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April 17, 2024

VIA EMAIL

Hon. Magistrate Judge Ona T. Wang
Wang_NYSDChambers@nysd.uscourts.gov

Re: *Shindé v. Chamber Music America, Inc., et al.*
Case No.: 1:23-cv-2554-AT-OTW

Dear Judge Wang,

This law firm represents Plaintiff Gargi Shindé in the above-captioned action. Copied are all parties to this action.


At the conclusion of Your Honor's pre-settlement conference held on April 3, 2024, Your Honor indicated that the court would vacate the stay of this action. And, no further extension of the stay has been ordered following the court's docket entry which read, in part, that the stay shall be extended until April 5, 2024.

On Friday, April 12 and again, on Tuesday, April 16, Plaintiff attempted to file an amended complaint, as a matter of right under Fed. R. Civ. P. 15(a)(1)(B), under the assumption that the stay had been vacated. As discussed briefly during the pre-settlement conference, Plaintiff contends that amendment as of right is appropriate under Fed. R. Civ. P. 15(a)(1)(B) because the Defendants' motions to dismiss were filed on May 12 and May 15, 2023 respectively (ECF 21 and 26), giving Plaintiff twenty-one (21) days to either oppose or amend under R. 15(a)(1)(B), and the court stayed the action on May 24, 2023 (ECF 33), and the action has been stayed ever since. As a result, Plaintiff contends that once the stay is vacated, she has the remainder of the twenty-one day period to amend as a matter of right.

However, each attempt to amend the complaint has been rejected by the Clerk of Court for the reasons stated on the docket; namely, that Defendants consent or court permission had not been annexed along with the amended complaint, and even though the undersigned explained the above circumstances to an employee at the office of the Clerk of Court by telephone yesterday and was directed to re-file.

Therefore, Plaintiff respectfully asks that Your Honor expressly state on the docket that the stay has been vacated and that Plaintiff may file an amended complaint within the time remaining under Fed. R. Civ. P. 15(a)(1)(B) as a matter of right.

Thank you for your time and attention to this matter.

Stay expired April 5, 2024.
Pl's amended complaint shall relate back to
April 12 because Pl. ~~made~~ was able to file
A.C. as of right under Fed. R. Civ. P. 15(a)(1)(B)
So ordered.  April 18, 2024